UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

PNC BANK, N.A. COLUMBIA	§	
HOUSING SLP CORPORATION, and	§	
2013 TRAVIS OAK CREEK, LP	§	
,	8	
Plaintiffs,	8	Case No. 1:17-cv-584-RP-ML
,	8	
v.	8	
•	§	consolidated with
	8	Case No. 1:17-cv-560-RP
2013 TRAVIS OAK CREEK GP, LLC,	§ §	
2013 TRAVIS OAK CREEK	§	
DEVELOPER, INC.,	8	
CHULA INVESTMENTS, LTD.,	8	
and RENE O. CAMPOS	8	
	8	
Defendants.	§	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO COUNTERCLAIMS AND TO INCREASE PAGE LIMIT

Plaintiffs PNC Bank, N.A. and Columbia Housing SLP Corporation (together, "Plaintiffs") respectfully move for a one week extension of time to file an answer, file a motion to dismiss, or otherwise respond to the counterclaims [ECF Doc. No. 78] (the "Counterclaim") filed by Defendants 2013 Travis Oak Creek GP, LLC and 2013 Travis Oak Creek Developer, Inc. ("Counterclaimants"), and request that the Court increase the page limit for any dispositive motion to 30 pages.

I. RELIEF REQUESTED

Plaintiffs request that the Court extend the deadline for Plaintiffs to respond to the Counterclaim through and including September 28, 2017, and increase the page limit for a dispositive motion to 30 pages.

The Counterclaim alleges nine causes of action or requests for relief, including for breach of contract, a number of torts, allegations under a federal statute, and declaratory judgment. [See

Case 1:17-cv-00584-RP Document 82 Filed 09/19/17 Page 2 of 4

ECF Doc. No. 78, Counterclaim ¶¶ 61–118]. Most of these claims or requests have a number of

independent sub-parts or claims. For example, Counterclaimants' cause of action under 12

U.S.C. § 1972 includes four separate claims under that statute. [See id. ¶¶ 91–94]. Similarly,

Counterclaimants request nine different declarations from the Court. [See id. ¶ 117].

Plaintiffs intend to file a dispositive motion pursuant to Fed. R. Civ. P. 12(b) in response

to all of these counterclaims. Further, Plaintiffs intend to address not only each claim, but also

grounds under multiple subparts of Rule 12(b). Because the motion must address each cause of

action and each of its subsidiary claims and because Plaintiffs must discuss separate legal

standards and authorities as to each of these causes of action, they request additional time and

space in which to bring those arguments.

This motion is not brought for purposes of delay, but rather so that justice may be served.

Further, a brief, 7-day extension will not impact the resolution of this case.

Counsel for Plaintiffs has conferred with Kenneth Chaiken, counsel for Defendants, and

he is not opposed to the relief requested in this Motion. Thus, Plaintiffs' request will not

prejudice Defendants.

II. CONCLUSION

For these reasons, Plaintiffs request that the Court extend their deadline to file an answer,

motion to dismiss, or other response to the Counterclaim through and including September 28,

2017. Further, given the number of causes of action in the Counterclaim that will be addressed in

the dispositive motion, Plaintiffs request leave to file a combined dispositive motion and brief

not to exceed 30 pages.

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO COUNTERCLAIMS AND TO INCREASE PAGE LIMITS—Page 2

Dated: September 19, 2017.

By: /s/ Robert M. Hoffman

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CERTIFICATE OF CONFERENCE

I	certify that o	on September	19, 2017,	I conferre	d with	Kenneth	Chaiken,	counsel	for
Defendan	ts, via email,	and he indica	ted that De	efendants ar	e not o	pposed to	the relief	requeste	d in
this Motio	on								

/s/ Robert M. Hoffman
Robert M. Hoffman

CERTIFICATE OF SERVICE

I certify that on September 19, 2017, a copy of the foregoing document was served on all counsel of record in this case through the Court's CM/ECF facilities.

/s/ Robert M. Hoffman
Robert M. Hoffman